

FILED

DEC 29 2003

**NEBRASKA DEPARTMENT
OF INSURANCE**

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
VICTOR B. YOUNG,)	
)	CAUSE NO. A-1522
)	
RESPONDENT.)	

This matter came on for hearing on the 23rd day of December, 2003, before Michael Boyd, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Christy Neighbors. Victor B. Young, ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent was a licensed resident Nebraska insurance producer whose registered address with the Department is Falls City Insurance Center, 1201 Harlan Street, Falls City, Nebraska 68355, and whose registered home address is 1818 Burton Drive, Falls City, Nebraska 68355. Respondent's license expired on August 31, 2003, however pursuant to Neb. Rev. Stat. §44-4059(5), the Director retains the authority for three years to enforce provisions of and impose any

penalty or remedy authorized by the Insurance Producers Licensing Act against any person ... even if the person's license or registration has been surrendered or lapsed by operation of law.

2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. On or about November 24, 2003 the Petition and Notice of Hearing were served upon the Respondent by mailing the same to his business address of record by certified mail, return receipt requested and his home address by First Class United States Mail. On or about December 1, 2003 the return receipt card was returned to our office for the Petition and Notice of Hearing mailed to Respondent's business address, as evidenced by Exhibit #1. The Petition and Notice of Hearing mailed to Respondent's home address by First Class United States Mail has not been returned as of December 23, 2003.

4. On or about July 15, 2003, Respondent was the subject of an administrative action filed by the Department in State of Nebraska Department of Insurance v. Victor B. Young, Cause No. A-1510. Respondent was not present and was not represented by counsel for the administrative hearing held on August 27, 2003. On August 28, 2003 the Director of Insurance signed a Findings of Fact, Conclusions of Law, Recommended Order and Order, in which Respondent was required to pay an administrative fine of \$1,000 within thirty (30) days of the date of the Director's signature for violations of Neb. Rev. Stat. §§ 44-1525(11) and 44-4059(1)(b). Further, the Respondent was required to cooperate with the Department's Consumer Affairs Division inquiry into the Crystal Beal complaint by providing a written response to their request related to their investigation of that complaint. (Exhibit 3).

5. Respondent did provide a written response to the Consumer Affairs Division request related to their investigation of the Crystal Beal complaint. (Exhibit 5).

6. However, Respondent failed to pay the \$1,000 fine. (Exhibits 2, 4).

CONCLUSIONS OF LAW

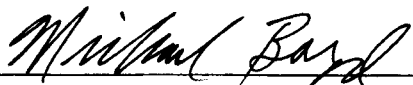
1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4047 et seq.
2. The Department has personal jurisdiction over Respondent.
3. The Respondent violated Neb. Rev. Stat. §44-4059(1)(b) by failing to pay the administrative fine of \$1,000 when due.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that the Respondent shall pay an administrative fine of \$1,000 in addition to the previous fine in the amount of \$1,000 from Cause No. A-1510 within thirty (30) days from the date the Director of Insurance signs this Order. It is further recommended that Respondent's currently expired insurance producer license not be permitted to be reinstated until he has paid both the \$1,000 fine from Cause No. A-1510 and the \$1,000 fine levied against him in this administrative action, as well as pay both the license renewal fee and the license reinstatement fee required under §44-4064. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department of Insurance to make application for such further orders as may be necessary.

Dated this 24th day of December, 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


Michael Boyd, Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of *State of Nebraska Department of Insurance v. Victor B. Young*, Cause No. A-1522.

Dated this 29th day of December, 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at Falls City Insurance Center, 1201 Harlan Street, Falls City, Nebraska 68355 by certified mail, return receipt requested, and a copy to 1818 Burton Drive, Falls City, Nebraska 68355 by first class U. S. Mail on this 30th day of December, 2003.

